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STATE FOR A/S BOUCHER AND SCA/INS, USPACOM FOR FPA

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SUBJECT: BOGOLLAGAMA SEEKS U.S. ADVICE ON WAY FORWARD

Classified By: Ambassador Robert O. Blake, Jr. for reasons
1.4 (b) and (d).

11. (C) Foreign Minister Rohitha Bogollagama convoked the Ambassador on January to hear the Ambassador's thoughts on steps Sri Lanka should take on issues of concern to the U.S. and others. With respect to the intensified conflict, which the US and other countries oppose, the Ambassador urged the GSL to avoid civilian casualties and new human rights abuses, and recommended the government open a back channel with LTTE, in part so options for ending the conflict quickly can be explored quietly, particularly if the GSL succeeds in killing LTTE leader Prabakharan. On the human rights front, the Ambassador urged progress to stop extrajudicial killings and other abuses in Jaffna; finalization of a witness protection bill so the Commission of Inquiry can accelerate its work; and the formation of the Constitutional Council so it can appoint independent heads of the Human Rights and other Commissions. With respect to the devolution proposals that the government plans to issue on January 23, the Ambassador urged that the government work from the proposals that the APRC has been working on for some time, and consult in advance with independent Tamil moderates so the proposals can respond to Tamil needs. End Summary.

12. (C) The Minister opened by asking for the Ambassador's assessment of the current situation. Ambassador responded that the government appeared to be proceeding on two tracks. First, it plans to announce on January 23 some portion of the devolution proposals that the All Parties Representative Committee (APRC) has been working on. Second, the government would intensify military action against the LTTE with a goal of either eliminating the LTTE leadership or weakening the LTTE as much as possible. With strong public support, the GSL would pursue its military objective until either the human or economic consequences of war forced it to stop fighting. The U.S. and the rest of the international community oppose a military solution and are very concerned about the potential surge in humanitarian consequences and human rights violations.

What Should the GSL Do?

13. (C) The Minister asserted that the Ambassador's assessment was correct and asked what the government should do to answer

concerns of the United States and others. The Ambassador recommended that the GSL focus on three fronts. First, with respect to the conflict, the government should make a high priority of avoiding civilian casualties and significant new human rights abuses. Ambassador also recommended that the government open a back channel with LTTE confidants in the diaspora. As the government achieves military successes, which the Ambassador said would be likely at least to begin with, fissures could emerge within the LTTE leadership about the wisdom of continuing to fight. It would be important, therefore, for the LTTE to have mechanisms through which members of the leadership might communicate with the government. Such mechanisms of communication would be particularly useful if the government succeeded in eliminating Prabakharan. The Government should also give thought to offering an amnesty at the appropriate time to LTTE fighters. Bogollagama thought these were useful suggestions and undertook to speak to the President and Basil Rajapaksa.

Human Rights

14. (C) With respect to human rights, the Ambassador said the U.S. and the rest of the international community were concerned both about the continuing serious human rights abuses and about the failure of the GSL to take any serious measures to punish those responsible. Ambassador suggested the GSL could take a number of steps to improve the situation. For example,

- The GSL should take immediate steps to reduce extrajudicial killings and other human rights abuses in Jaffna where the most serious human rights abuses are occurring. The Ambassador mentioned that several senior GSL officials had agreed privately that the GSL has the ability to reduce these abuses in Jaffna if it chooses to do so.

- The GSL should finalize a serious witness protection bill that would enable the Commission of Inquiry to accelerate hearings on several of the most high profile human rights incidents in recent years and make recommendations about the prosecution of those responsible.

- Now that consensus has emerged on the candidate to fill the final seat on the Constitutional Council, the government should work with parliament to re-constitute the Council and then allow it to recommend independent heads for the Human Rights, Bribery, Police and other commissions. Bogollagama agreed this was an opportunity, but said the JHU had yet to provide its written assent to the consensus candidate. Ambassador observed this was a minor technicality since the JHU had issued a public statement agreeing to the candidate.

Consult Tamils on Devolution

15. (C) With respect to the devolution proposals that the government planned to issue on January 23, the Ambassador urged that the government work from the proposals that the APRC has been working on for some time, rather than attempting to draft its own proposals. He further urged that the government consult in advance with independent Tamil moderates such as TULF leader Anandasangaree and the members of Parliament representing the upcountry Tamils on the proposals to be announced on January 23. Their advice could help the government to come forward with proposals that would be welcomed by independent Tamils. Their public assessment of whatever proposals are released would also be carefully considered by the United States and other countries in making our own assessments. Bogollagama agreed with this idea and again undertook to consult with the president and Basil Rajapaksa.

Role of Co-Chairs

16. (C) The Minister again took the opportunity to urge that

the Co-Chairs remain engaged in Sri Lanka. The Ambassador responded that with respect to the peace process, there did not appear to be any opportunity in the near future to get both parties back to peace talks. The Minister nodded. The Ambassador assured the Minister, however, that the United States and other Co-Chairs would remain engaged on humanitarian and human rights issues. We would also continue development activities with a new focus on what we might do to help stabilize and reconstruct the East, both to deny the LTTE the opportunity to regain a foothold in the East, but also to help the government effect a successful, ethnically neutral stabilization that could serve as a positive example for how the North might be managed as part of a future settlement. The Ambassador noted that a USG interagency team was in the East at this very moment to study and make recommendations about what the U.S. might do. The Ambassador told the Minister that he had highlighted the need for the government to demobilize the paramilitaries in the East and had asked the team to consider what might be done.

BLAKE